

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1422 be amended to read as follows:

- 1 Page 2, between lines 33 and 34, begin a new paragraph and insert:
2 "SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
3 **SECTION, "White River fish kill" means the contamination event**
4 **in December 1999 in the White River in Madison County, Indiana,**
5 **that resulted over a period of several days in the death of fish in**
6 **Madison County, Hamilton County, and Marion County.**
7 (b) "Department" refers to the department of environmental
8 management.
9 (c) The department shall prepare a report that includes the
10 following:
11 (1) A detailed and comprehensive description of the White
12 River fish kill that:
13 (A) addresses the source and nature of the contaminant
14 that resulted in the death of fish;
15 (B) addresses the events that resulted in the release of the
16 contaminant into the White River;
17 (C) addresses the effects of the contaminant on the White
18 River and on the health of fish and all other forms of life in
19 and near the river;
20 (D) includes all reports previously prepared by the
21 department in the course of its investigation of the White
22 River fish kill;
23 (E) includes the department's findings with respect to
24 criminal liability relating to the White River fish kill;
25 (F) describes the protocols and procedures in place at the

time of the White River fish kill for providing notice of such an event to:

- (i) local units of government;
- (ii) local health departments;
- (iii) individuals who reside near the White River;
- (iv) businesses located near the White River; and
- (v) fishermen and other casual users of the White River;

(G) describes the extent to which the protocols and procedures described in clause (F) were followed;

(H) sets forth the time line of all events relating to the White River fish kill, including the dates and times of:

- (i) the events that resulted in the release of the contaminant into the White River;
- (ii) all activities relating to the investigation of the White River fish kill; and
- (iii) notice by the department or any other state agency to the entities listed in clause (F);

(I) describes plans for restoration of the White River; and

(J) sets forth the department's recommendations for changes in statutes, rules, or procedures and practices of the department to:

- (i) reduce the probability of contamination events similar to the White River fish kill in the future; and
- (ii) improve the timeliness and efficiency of protocols and procedures for notice to affected entities if such an event occurs in the future.

(2) A complete list of all events of contamination of waters of the state in which fish or other aquatic species were killed and in which civil penalties were imposed under IC 13-30-4 (or under the law that governed the imposition of civil penalties before the enactment of IC 13-30-4), including the following:

- (A) a description of the contamination event;
- (B) the date the contamination event occurred;
- (C) the entity on which the civil penalty was imposed;
- (D) the total amount of the civil penalty imposed; and
- (E) the amount per day or per hour of the civil penalty imposed.

(d) Before August 1, 2000, the department shall deliver the report described in subsection (c) to:

- (1) the executive director of the legislative services agency for distribution to members of the legislative council;
- (2) the environmental quality service council;
- (3) the governor; and
- (4) the lieutenant governor.

(e) The environmental quality service council shall:

- (1) study the report delivered to it under subsection (d); and
- (2) make recommendations to the general assembly before

- 1 **January 1, 2001, to:**
2 **(A) reduce the probability of contamination events similar**
3 **to the White River fish kill in the future; and**
4 **(B) improve the timeliness and efficiency of protocols and**
5 **procedures for notice to affected entities if such an event**
6 **occurs in the future."**
7 Renumber all SECTIONS consecutively.
 (Reference is to HB 1422 as printed January 27, 2000.)

Representative Atterholt